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Paper No. 7

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MAY 23 2002

In re Application of
Kevin A. Mansmann
Application No. 09/544,341
Filed: April 6, 2000
Attorney Docket No. KM-M1

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The Notice to File Missing Parts mailed June 26, 2000, required a \$65.00 surcharge for the late filing of the Oath/Declaration. A review of the record reveals that Petitioner has not submitted the outstanding fee requirement. Therefore, revival of the above-identified application cannot occur until the \$65.00 surcharge is submitted.

It is noted that the petition was intended to be signed by applicant's registered attorney Patrick D. Kelly, however, the petition is not signed. Since the certificate of mailing under 37 CFR 1.8 included on the present petition contains a signature by counsel, the signature on the certificate of mailing will be construed as the necessary ratification of the unsigned petition.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to Andrea Coram at (703) 308-6711.

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